

WEST AMERICAN INSURANCE)
COMPANY,)
)
Plaintiff,)
)
vs.)
)
RLI INSURANCE COMPANY,)
et al.,)
)
Defendants.)

ORDER GRANTNG JUDGMENT IN FAVOR OF COUNTERCLAIM DEFENDANT

On December 28, 2009, RLI stipulated to the existence of a binding high/low arbitration agreement “that specified that the ‘high’ number was all sums of money due and owing under any applicable policies of insurance.” (Doc. # 181). In light of this stipulation, there is no longer a disputed issue of fact for trial, and West American is entitled to judgment in its favor on RLI’s counterclaim for bad faith. The pretrial conference scheduled for February 16, 2010, and the trial scheduled for March 8, 2010, are canceled.

IT IS SO ORDERED.

/s/ Ortrie D. Smith
ORTRIE D. SMITH, JUDGE
UNITED STATES DISTRICT COURT